IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.2786 of 2006

Date of decision : 26.9.2006.

Dharam Chand.

.....Petitioner.

Versus

State of Haryana & Anr.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. T.C.Dhanwal, Advocate
for the petitioner.

Mr. Jitender Chauhan, Addl. A.G., Haryana
for the respondents.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against rejection of petition filed by the petitioner under Order 39 Rules 1 & 2 C.P.C. vide which petitioner has claimed that the respondents be restrained from acting on the impugned order withdrawing the grant of Assured Career Progression Scale to the petitioner.

The learned Courts below have come to the conclusion that the petitioner was granted Assured Career Progression Scale on the basis of forged entry and, therefore, there was no prima facie case in favour of the petitioner. It was further held that no irreparable loss will be caused to the petitioner in case the injunction is not granted as it is only regarding claim

of money to which he would be entitled in case he succeeds. Be that as it may,the learned Courts below ought to have granted stay of recovery of amount already paid as it is yet to be proved by the respective parties as to whether scale was rightly or wrongly granted, and further whether petitioner was responsible for alleged fraud.

Accordingly, this revision petition is allowed and the orders passed by the learned Courts below are modified to the extent that the recovery from the petitioner would remain stayed during the pendency of the suit.

September 26,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**